

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 202003186	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/02/2020 7:00 PM, Saturday, 05/02/2020 7:05 PM	Location of Incident: 1735 Pitkin Avenue, § 87(2)(b)	Precinct: 73	18 Mo. SOL 11/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/02/2020 6:28 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/11/2020 11:33 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Abir Noor	21625	959847	PSA 2
2. POM Ibrahim Adam	20396	958214	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Espinal	19909	962383	PSA 2
2. LT Favio Quizhpi	00000	948119	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Abir Noor	Discourtesy: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor gestured discourteously toward § 87(2)(b)	
B.POM Abir Noor	Discourtesy: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor acted discourteously toward § 87(2)(b)	
C.POM Abir Noor	Discourtesy: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor spoke discourteously to § 87(2)(b)	
D.POM Abir Noor	Off. Language: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor made remarks to § 87(2)(b) based upon gender.	
E.POM Ibrahim Adam	Abuse: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam stopped § 87(2)(b)	
F.POM Abir Noor	Abuse: In front of § 87(2)(b) in Brooklyn, Police Officer Abir Noor stopped § 87(2)(b)	
G.POM Ibrahim Adam	Abuse: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam threatened to issue a summons to § 87(2)(b)	
H.POM Ibrahim Adam	Abuse: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam threatened to arrest § 87(2)(b)	
I.POM Ibrahim Adam	Discourtesy: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
J.POM Ibrahim Adam	Off. Language: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam made remarks to § 87(2)(b) based upon gender.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On May 2, 2020, § 87(2)(b) filed this complaint on behalf of herself, her sister, § 87(2)(b) and a neighbor, § 87(2)(b) with IAB by phone. It was received at the CCRB on May 11, 2020 under IAB original log number 2020-11552.

On May 2, 2020, at approximately 7 p.m., § 87(2)(b) was running errands with § 87(2)(b). As they were walking on the sidewalk in front of 1735 Pitkin Avenue in Brooklyn, PO Abir Noor and PO Ibrahim Adam, both of PSA 2, approached them in an unmarked sedan. PO Noor allegedly whistled at § 87(2)(b) (**Allegation A: Discourtesy – Gesture, § 87(2)(g)**) and allegedly asked her if she had a boyfriend and for her phone number (**Allegation B: Discourtesy – Action, § 87(2)(g)**). When § 87(2)(b) told PO Noor that she was not interested, PO Noor allegedly called § 87(2)(b) a “slut” (**Allegation C: Discourtesy – Word, § 87(2)(g)**; **Allegation D: Offensive Language – Gender, § 87(2)(g)**).

At approximately 7:05 p.m., § 87(2)(b) and § 87(2)(b) continued walking toward § 87(2)(b) where they saw a neighbor, § 87(2)(b) sitting on a bench with a group of other people surrounding him. PO Adam and PO Noor had stopped § 87(2)(b) (**Allegations E and F: Abuse of Authority – Stop, § 87(2)(g)**), and PO Adam threatened to issue § 87(2)(b) a summons (**Allegation G: Abuse of Authority – Threat of Summons, § 87(2)(g)**) and to arrest him (**Allegation H: Abuse of Authority – Threat of Arrest, § 87(2)(g)**). While PO Adam was talking to § 87(2)(b) PO John Espinal and Lieutenant Favio Quizhpi, also of PSA 2, responded to the location and observed PO Adam and PO Noor.

Eventually PO Adam, PO Noor, PO Espinal, and Lieutenant Quizhpi all went to their respective vehicles. PO Espinal and Lieutenant Quizhpi left the area, but, as PO Adam and PO Noor were leaving, PO Adam honked his horn at § 87(2)(b) who was standing in the street a few feet in front of his car. § 87(2)(b) moved to the sidewalk and, as he drove by, PO Adam allegedly said to her, “You’re too big. Get out of the way, fat bitch!” (**Allegation I: Discourtesy – Word, § 87(2)(g)**; **Allegation J: Offensive Language – Gender, § 87(2)(g)**). PO Adam and PO Noor then left the area.

§ 87(4-b), § 87(2)(g)

Body-worn camera footage was obtained from PO Adam (**BR 01, BR 02, BR 03, and BR 04**), PO Espinal (**BR 05 and BR 06**), and Lieutenant Quizhpi (**BR 07 and BR 08**). There was no additional video of this incident. No arrests or summonses resulted from this incident.

Findings and Recommendations

Allegation (A) Discourtesy: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor gestured discourteously toward § 87(2)(b)

Allegation (B) Discourtesy: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor acted discourteously toward § 87(2)(b)

Allegation (C) Discourtesy: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor spoke discourteously to § 87(2)(b)

Allegation (D) Offensive Language: In front of 1735 Pitkin Avenue in Brooklyn, Police Officer Abir Noor made remarks to § 87(2)(b) based upon gender.

§ 87(2)(g) § 87(2)(b) was running errands with § 87(2)(b) with § 87(2)(b) walking a few feet in front of § 87(2)(b). When they were in front of 1735 Pitkin Avenue, § 87(2)(b) saw PO Noor, who was the front passenger in a dark colored, unmarked sedan, talking with § 87(2)(b). § 87(2)(b) was only able to hear § 87(2)(b) tell PO Noor, “No thank you. I’m not interested.” (In her initial

statement to IAB, § 87(2)(b) stated that she first heard PO Noor whistle at § 87(2)(b). § 87(2)(b) was concerned about the nature of the conversation, and, as she approached she heard PO Noor ask § 87(2)(b) for her age and phone number and if she had a boyfriend. § 87(2)(b) interjected and told PO Noor that § 87(2)(b) was only § 87(2)(b) old and that he should go away. PO Noor and the driver, PO Adam, started to drive away, at which point PO Noor yelled out to § 87(2)(b) “Slut!” PO Adam and PO Noor drove away from the location, and § 87(2)(b) and § 87(2)(b) continued on with their errands.

§ 87(2)(b) did not provide the investigation with a statement.

PO Noor (BR 11) and PO Adam (BR 12) consistently stated that they were on routine Anti-Crime patrol in the general vicinity of the Howard Houses, located at § 87(2)(b). They had no recollection of ever seeing § 87(2)(b) and § 87(2)(b) or interacting with two females while on patrol in any way. PO Noor denied ever approaching § 87(2)(b) and whistling at her, asking for her phone number, for her age, or calling her a slut, and PO Adam never observed PO Noor do these things.

PO Espinal (BR 13) and Lieutenant Quizhpi (BR 14) both stated that they did not observe PO Adam and PO Noor when they were in their car on patrol, did not ever observe § 87(2)(b) and § 87(2)(b) and never observed PO Noor or PO Adam interacting with any females during their tour. Neither PO Noor nor PO Adam ever described to PO Espinal or Lieutenant Quizhpi interacting in any way with § 87(2)(b) or § 87(2)(b).

There was no video of this portion of the incident.

§ 87(2)(g)

Allegation (E) Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam stopped § 87(2)(b)

Allegation (F) Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Police Officer Abir Noor stopped § 87(2)(b)

Allegation (G) Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam threatened to issue a summons to § 87(2)(b)

Allegation (H) Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam threatened to arrest § 87(2)(b)

§ 87(2)(b) (BR 09 and BR 10) consistently stated that she and § 87(2)(b) continued walking toward § 87(2)(b) where they saw a neighbor, § 87(2)(b) sitting alone on a bench in the same place he had been sitting when § 87(2)(b) and § 87(2)(b) had left to run errands a short time earlier. PO Adam, PO Noor, PO Espinal, and Lieutenant Quizhpi were all standing around § 87(2)(b) and PO Adam asked § 87(2)(b) for his ID, which he refused to provide. § 87(2)(b) appeared annoyed because of the tone of his voice, but he was not moving or making any gestures with his hands.

Two young men who § 87(2)(b) thought may have been § 87(2)(b)'s sons approached and also started talking to the officers, at which point PO Adam told § 87(2)(b) that he could arrest him for “assaulting an officer.” However, § 87(2)(b) had not seen anything she thought would have constituted assault. After going back and forth for a few minutes, § 87(2)(b) and the two men left the area surrounding the bench, and the officers left the courtyard and went to their cars.

Neither § 87(2)(b) nor § 87(2)(b) provided statements to the investigation.

Body-worn camera from PO Adam (BR 01, BR 02, BR 03, and BR 04), PO Espinal (BR 05 and BR 06), and Lieutenant Quizhpi (BR 07 and BR 08) capture portions of this incident. PO

Adam's first body-worn camera video begins with him exiting his car and approaching a group of approximately 15 to 20 people standing in a small courtyard in front of § 87(2)(b). PO Adam walks up to § 87(2)(b) who is seated on a bench next to another male. § 87(2)(b) is wearing a facemask, but the other male is not. As PO Adam and PO Noor approach, the other man walks away, and, beginning at 00:30 seconds, PO Adam tells § 87(2)(b) "This is a group. It's not allowed. I need your ID, sir. That's a thousand-dollar ticket. I need your ID." § 87(2)(b) responds, "I didn't see no [unintelligible]." PO Adam says, "You just did. I just told you. Social distancing. That's a summons. I need your ID. It's the last time I tell you before I put you in cuffs, sir. I need your ID." § 87(2)(b) then provides PO Adam with his ID. At 00:54 seconds, PO Adam says, "That's a summons. Social Distancing. As per the mayor, there's no groups to be allowed." At 1:12 minutes, PO Adam tells § 87(2)(b) that he is not free to go and that he is being detained.

PO Adam's second body-worn camera video begins with PO Adam returning § 87(2)(b)'s ID to him. Beginning at 00:35 seconds, PO Adam tells § 87(2)(b) "This is the last time I'm telling you, you understand, right?" PO Adam tells § 87(2)(b) to have a good night, and he and the other officers move to leave the location.

Body-worn camera footage from PO Espinal and Lieutenant Quizhpi is consistent with that of PO Adam and begins at approximately the same time as PO Adam's second video.

PO Adam (**BR 12**) stated that he was on patrol when he observed a group of approximately 20 people congregated in the courtyard at § 87(2)(b) many of whom were not wearing masks, and all of whom were not social distancing. It was PO Adam's understanding at the time, according to an Executive Order issued by the mayor, that people were required to wear facemasks and were not permitted to gather in groups unless they were part of the same household. PO Adam and PO Noor exited the car and, as they approached, PO Adam smelled a strong odor of freshly smoked marijuana, saw liquor bottles on the ground, and observed people holding clear plastic cups that appeared to contain alcohol. PO Adam recognized one of the individuals, § 87(2)(b) who was sitting on a bench in the courtyard, from a prior encounter earlier that week. (On that occasion, § 87(2)(b) had been with a group of approximately 10 people who were not social distancing or wearing facemasks and who were drinking alcohol in public. PO Adam had given them an informal warning about failing to social distance and wear facemask, but he took no further action at that time.)

Because PO Adam had already given § 87(2)(b) a warning earlier that week, PO Adam decided to formally stop § 87(2)(b) so that he could document § 87(2)(b)'s pedigree information. PO Adam explained that he wanted to document that he had issued § 87(2)(b) a warning so that if he failed to comply with the mayor's Executive Order in the future, there would be documentation that he was aware of the restrictions and had previously been warned about them. PO Adam also noticed a few other people he had warned previously in the area, but they dispersed when he and PO Noor approached, so he decided to only stop § 87(2)(b) who had remained seated on the bench.

PO Adam told § 87(2)(b) that he was approaching him because he was violating social distancing rules and that he could be issued a summons for the violation. (PO Adam was initially not sure what the fine associated with the summons was, but, having viewed his body-worn camera footage, stated that it was his understanding at the time that the fine was \$1,000). PO Adam asked § 87(2)(b) at least two times for his ID, which he refused to provide, at which time PO Adam told him that he could be handcuffed if he did not provide the ID. PO Adam explained that if § 87(2)(b) did not provide his ID or give officers his name and date of birth, they would need to take him to the stationhouse to verify his identity. To do this, they would need to place him into handcuffs.

Eventually, § 87(2)(b) gave PO Adam his ID, and PO Adam checked his information. PO Adam then returned § 87(2)(b)'s ID and gave him a final warning that if he did not socially distance in the future and abide by the mask mandate, he would issue him a summons. Toward the

end of the interaction, PO Espinal and Lieutenant Quizhpi, who had been in the area on general patrol, approached to observe what was going on. However, PO Adam was the only officer who spoke directly to § 87(2)(b). Once he returned § 87(2)(b)'s ID, PO Adam, PO Noor, PO Espinal, and Lieutenant Quizhpi all left the courtyard.

PO Noor (BR 11), PO Espinal (BR 13), and Lieutenant Quizhpi (BR 14) all provided statements consistent with that of PO Adam.

There was no Stop Report prepared for this incident (BR 15 and BR 16).

§ 87(2)(g)

While § 87(2)(b) was properly wearing a facemask by the time PO Adam and PO Noor reached him, the other individual, who walked away, was not. § 87(2)(g)

There were approximately 20 other individuals gathered in the courtyard, many of whom were not wearing facemasks and who were standing close to each other. PO Adam told § 87(2)(b) that he could get a summons for \$1,000 for failing to abide by the mayor's Executive Order regarding social distancing, and asked § 87(2)(b) for his ID so that he could document his pedigree information and that he had given an official warning about social distancing to § 87(2)(b). § 87(2)(b) initially refused to provide PO Adam with his ID, at which point PO Adam told him that he could put him in handcuffs. § 87(2)(b) then provided his ID to PO Adam, who noted the information, and then released § 87(2)(b) with a warning that if he did not socially distance, he would receive a summons.

Governor's Executive Order 202.17 (BR 17) states that effective beginning at 8 p.m. on April 17, 2020, through May 15, 2020, any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.

Governor's Executive Order 202.18 (BR 18) extends until May 15, 2020, Governor's Executive Order 202.14 (BR 32), which closed or otherwise restricted public or private places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings, or other social events.)

Mayoral Executive Order 109 (BR 19) incorporates any and all relevant provisions of Governor's Executive Order No. 202 and directs the NYPD and other agencies as needed to immediately enforce the directives set forth in accordance with their lawful enforcement authorities.

Patrol Guide procedure 209-09 (BR 20) states that when issuing summonses, officers should request that the violator show proof of identity and residence. If doubt concerning identity exists, officers may remove the violator to the command for investigation.

§ 87(2)(g)

Allegation (I) Discourtesy: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam spoke discourteously to § 87(2)(b)

Allegation (J) Offensive Language: In front of § 87(2)(b) in Brooklyn, Police Officer Ibrahim Adam made remarks to § 87(2)(b) based upon gender.

§ 87(2)(b) (BR 09 and BR 10) consistently stated that PO Espinal and Lieutenant Quizhpi left the location first and that when PO Adam and PO Noor went to their car to leave the area, she

was standing in the street a few feet in front of their car. PO Adam honked the horn at § 87(2)(b) who moved to the sidewalk so that the car could pass. As PO Adam drove by, he yelled out at § 87(2)(b) “You’re too big. Get out of the way, fat bitch!” PO Adam and PO Noor then drove away.

§ 87(2)(b) and § 87(2)(b) did not provide the investigation with statements. There was no video of this portion of the incident.

PO Adam (**BR 12**) stated that he did not recall ever interacting with § 87(2)(b) and did not recall ever seeing any females present at any point during the incident. PO Adam did not recall anyone standing in his way as he drove away from the location, and he denied ever saying to anyone, “You’re too fat. Get out of the way, fat bitch!” or using any profanity at any point during the incident.

PO Noor (**BR 11**), PO Espinal (**BR 13**), and Lieutenant Quizhip (**BR 14**) all provided statements consistent with that of PO Adam, and all denied ever observing PO Adam use any profanity or discourteous language during the course of the incident.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 25**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 26**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 27**).
- PO Noor has been a member of service for six years and has been a subject in nine CCRB complaints and 16 allegations, none of which were substantiated. § 87(2)(g)
- PO Adam has been a member of service for six years and has been a subject in six allegations and 18 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 4, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**BR 28**).

• § 87(2)(b), § 87(2)(c)

Squad: ____10____

Investigator: Maura R. Roche S.I. Maura R. Roche 03/18/2022
Signature Print Title & Name Date

Squad Leader: Eric Rigie IM Eric Rigie 3/23/2022
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

